

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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BRIAN MAUS,

Plaintiff,

v.

GARY BOUGHTON, KOOL, ROBERT FISCHER,  
SERGEANT MATTI, COMPLAINT EXAMINER RAY,  
MATT HEESAHER, LIBRARIAN BROADBENT,  
and ANDREA OLMANSON,

Defendants.

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ORDER

22-cv-141-jdp

Plaintiff Brian Maus, appearing pro se, contends that when he was confined at Wisconsin Secure Program Facility, prison officials punished him for using the library's scrap paper to prepare a brief for use in a federal lawsuit. I screened Maus's complaint, concluded that it did not plausibly state any claim for relief, and gave Maus until May 17, 2022, to file an amended complaint. Dkt. 3. After that deadline passed without Maus filing an amended complaint, I dismissed the case. Judgment was entered May 31. Dkt. 5.

Maus has now filed a motion for reconsideration of that dismissal, stating that he mailed an amended complaint to the court before the May 17 deadline. The court did not receive his amended complaint. Maus also states that he filed multiple motions for reconsideration that were returned to him by the postal service. He has attached envelopes for these filings with return notices. Dkt. 7-1. Those envelopes show that he included the wrong zip code for this court on his filings (the proper zip code is 53703, not 53701), which might be the reason for the returned mail.

Mailing errors like the ones Maus describes here might be reason enough to reopen the case—if Maus had amended his complaint to state a claim upon which relief could be granted.

But Maus still hasn't done so. Maus states that he doesn't know why his amended complaint did not reach this court, but regardless the reason, without an amended complaint Maus has still not stated a proper claim. So there isn't anything for this court to reconsider. If he sends the court another copy of his amended complaint by the deadline below, I will consider whether to reopen his case.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion for reconsideration, Dkt. 6, is DENIED.
2. Plaintiff may have until August 4, 2022, to submit a copy of his proposed amended complaint.

Entered July 28, 2022.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge